

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**DARNELL UPSHAW ,**

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## Petitioner

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**CIVIL ACTION NO. 3:22-1415**

**V.**

—

**(JUDGE MANNION)**

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**WARDEN J. SAGE,**

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## Respondent

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## ORDER

In accordance with this Court's memorandum issued this same day, IT

**IS HEREBY ORDERED THAT:**

1. The petition for writ of habeas corpus (Doc. [1](#)) is **DISMISSED** without prejudice.
2. There is no basis for the issuance of a certificate of appealability. See [28 U.S.C. §2253\(c\)](#).
3. The Clerk of Court is directed to **CLOSE** this case.

*s/ Malachy E. Mannion*  
MALACHY E. MANNION  
United States District Judge

**DATE: September 28, 2022**

22-1415-01